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09/507,191	02/18/2000	Paul England	MS1-408US	8393

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EXAMINER

COLIN, CARL G

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/507,191

Applicant(s)

ENGLAND, PAUL

Examiner

Carl Colin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Pursuant to USC 131, claims 1-38 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

- 2.1 **Claims 1-16** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,367,019 to **Ansell et al.**

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2.2 **As per claim 1, Ansell et al.** discloses a method comprising: randomly retrieving data from a removable data storage medium (see claims 44-48), wherein the removable data storage medium contains an executable application program (see column 2, lines 5-14); comparing the retrieved data to corresponding verification data, wherein the verification data is known to be valid (see claims 44-48); and allowing execution of the executable application program if the retrieved data matches the corresponding verification data (see column 2, lines 28-35).

2.3 **As per claim 10, Ansell et al.** discloses a method comprising: randomly retrieving data from a removable data storage medium (see claims 44-48), wherein the removable data storage medium contains at least one file of audio data (see column 2, lines 5-14); comparing the retrieved data to corresponding verification data, wherein the verification data is known to be valid (see claims 44-48); and allowing execution of the at least one file of audio data if the retrieved data matches the corresponding verification data (see column 2, lines 28-35 and column 5, lines 32-46).

2.4 **As per claims 2 and 11, Ansell et al.** discloses the limitation of further including preventing execution of the executable application program and at least one file of audio data if the retrieved data does not match the corresponding verification data (see column 2, lines 5-14).

2.5 **As per claim 3, Ansell et al.** discloses the limitation of wherein the executable application program is executed from the removable data storage medium (see column 2, lines 5-14).

2.6 **As per claim 4, Ansell et al.** discloses the limitation of wherein the executable application program is executed from the removable data storage medium (column 2, lines 28-51).

2.7 **As per claims 5 and 12, Ansell et al.** discloses the limitation of wherein the removable data storage medium is a compact disc (CD) (see column 5, lines 20-25).

2.8 **As per claims 6 and 13, Ansell et al.** discloses the limitation of wherein the removable data storage medium is a digital versatile disc (DVD) (see column 5, lines 20-25).

2.9 **As per claim 7, Ansell et al.** discloses the limitation of further including partitioning the removable data storage medium into a plurality of data blocks (column 5, line 47 through column 6).

2.10 **As per claim 8, Ansell et al.** discloses the limitation of further including: partitioning the removable data storage medium into a plurality of data blocks; and calculating a cryptographic digest for each of the plurality of data blocks (column 5, line 47 through column 7).

2.11 **Claims 9 and 16** have the same limitation as **claim 1** except for incorporating the claimed method into a computer-readable medium containing a program to perform the steps of

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claim 1. Therefore, **claims 9 and 16** are rejected on the same rationale as the rejection of **claim 1**.

2.12 **As per claim 14, Ansell et al.** discloses the limitation of wherein allowing access to the at least one file of audio data includes installing the at least one file of audio data to a handheld audio player (column 5, lines 19-46).

2.13 **As per claim 15, Ansell et al.** discloses the limitation of wherein allowing access to the at least one file of audio data includes playing the at least one file of audio data to a handheld audio player (column 5, lines 19-46).

3. **Claims 17-38** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,577,735 to **Bharat**.

3.1 **As per claim 17, Bharat** discloses a method of verifying the presence of a legitimate removable data storage medium, the method comprising: randomly retrieving at least one data block from the removable data storage medium, wherein the removable data storage medium contains a plurality of data blocks (column 6, line 51 through column 7, line 4 and column 8, lines 4-23); comparing the retrieved data block to a corresponding verification data block, wherein the verification data block is known to be valid (column 6, line 51 through column 7, line 4 and column 8, lines 4-23); determining that a legitimate removable data storage medium is

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present if the retrieved data block matches the corresponding verification data block (column 6, line 51 through column 7, line 4 and column 8, lines 4-23).

3.2 **As per claim 24, Bharat** discloses a verification system comprising: data reading device to read data from a removable data storage medium (column 5, lines 38-47); and a verification module coupled to the data reading device, wherein the verification module is to randomly retrieve data from the removable data storage to medium and compare the retrieved data to corresponding verification data that is known to be valid, and wherein the verification module is further to determine that a legitimate removable data storage medium is present if the retrieved data matches the corresponding verification data (see claims 1-5 and column 7, lines 9-62).

3.3 **As per claim 30, Bharat** discloses one or more computer-readable media having stored thereon a computer program comprising the following steps: to randomly retrieving data from a removable data storage medium (column 7, lines 9-36); comparing the retrieved data to corresponding verification data, wherein the verification data is known to be valid (column 7, lines 9-36); and determining that a legitimate removable data storage medium is present if the retrieved data matches the corresponding verification data (column 7, lines 9-60).

3.4 **As per claim 31, Bharat** discloses the limitation of further determining that a legitimate removable data storage medium is not present if the retrieved data does not match the corresponding verification data (column 7, lines 9-60).

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3.5 **As per claim 34, Bharat** discloses a method comprising: randomly selecting a data block identifier, wherein the data block identifier identifies a particular data block on a removable data storage medium (column 8, lines 1-23); issuing a challenge and the data block identifier to a data reading device, wherein the removable data storage medium is readable by the data reading device (column 8, lines 1-23 and column 6, line 5 through column 7, line 4); to the data reading device hashing the challenge with the data contained in the particular data block on the removable data storage medium; receiving the result of the hashing operation medium (column 8, lines 1-23 and column 6, line 5 through column 7, line 4); comparing the result of the hashing operation to corresponding verification data, wherein the verification data is known to be valid (column 8, lines 1-23 and column 6, line 5 through column 7, line 4; and determining that the removable data storage medium is legitimate if the result of the hashing operation matches the corresponding verification data (column 8, lines 1-23 and column 6, line 5 through column 7, line 40).

3.6 **Claims 23 and 38** have the same limitation as the rejected **claims 17 and 34** respectively except for incorporating the claimed method into a computer-readable medium containing a program to perform the steps of claim 1. Therefore, **claims 23 and 38** are rejected on the same rationale as the rejection of **claims 17 and 34**.

3.7 **As per claim 35, Bharat** discloses the limitation of further including determining that the removable data storage medium is not legitimate if the result of the hashing operation does not match the corresponding verification data (column 8, lines 15-18).

3.8 **As per claim 18, Bharat** discloses the limitation of further including determining that a legitimate removable data storage medium is not present if the retrieved data block does not match the corresponding verification data block (column 8, lines 15-18).

3.9 **As per claims 19, 26, 32, and 36, Bharat** discloses the limitation of wherein the removable data storage medium is a compact disc (CD) (column 1, lines 20-36).

3.10 **As per claims 20, 27, 33, and 37, Bharat** discloses the limitation of wherein the removable data storage medium is a digital versatile disc (DVD) (column 1, lines 20-36).

3.11 **As per claim 25, Bharat** discloses the limitation of further including determining that a legitimate removable data storage medium is not present if the retrieved data does not match the corresponding verification data block (column 7, lines 9-62).

3.12 **As per claim 21, Bharat** discloses the limitation of calculating a cryptographic digest for each retrieved data block, wherein the verification data block has an associated cryptographic digest (column 6, line 5 through column 7, line 4).

3.13 **As per claim 22, Bharat** discloses the limitation of wherein comparing the retrieved data block to a corresponding verification data block comprises comparing the cryptographic digest of the retrieved data block with the cryptographic digest associated with the verification data block (column 6, line 5 through column 7, line 4).

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3.14 As per claim 28, Bharat discloses the limitation of wherein the verification module and the data reading device are coupled to one another across the Internet (column 4, lines 55-67).

3.15 As per claim 29, Bharat discloses the limitation of wherein the verification module is located in a handheld audio player and the data reading device is located in a computer system coupled to the handheld audio player (column 7, lines 5-31 and column 8, lines 4-23).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 703-305-0355. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 703-305-9595. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cc

Carl Colin

Patent Examiner

October 30, 2003

A handwritten signature in cursive script that reads "Guy J. Lamare". Below the signature, the word "for" is written in a smaller, simpler script.

Albert DeCady
Primary Examiner